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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/072,236

02/07/2002

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EXAMINER

SHEIKH, ASFAND M

ART UNIT

PAPER NUMBER

3627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/072,236	<b>Applicant(s)</b> CHIBA, KAORU	
	<b>Examiner</b> Asfand M. Sheikh	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment filed on 9/19/2008 has been entered. The examiner notes claims 1,3-6, 10 and 12-15 are pending in this application. The examiner further notes claims 2, 7-9 and 11 are cancelled and claim 15 is amended.

Further the examiner notes the examiner examining the instant application has changed but the group art unit has not.

### ***Response to Arguments***

Applicant's arguments filed 9/19/2008 have been fully considered but they are not persuasive.

The applicant argues Pennell is silent "regarding transferring a program for implementing the goods supplier's desired process from one system to another system (i.e., from the goods supply system to the sales processing system, and then to a user accessing the sales processing system." The examiner disagrees.

As currently claimed the examiner is not sure if that limitation is even positively recited. The examiner would therefore like to stress that the limitation be positively recited.

The examiner notes however that Pennell reference teaches that the underlying HTML or code (e.g. program) is analyzed before processing by the browser automation program. Therefore the examiner notes by HTML or code being analyzed it has to be

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sent from one system to another system (see at least, col. 3, lines 26-34). Therefore the examiner notes that reads on transferring a program (e.g. whether it be HTML or other code) from one system to another. From this the examiner notes that if HTML or other code is transferred from one system to another that in that the input form could be prepared by either browser automation 302 or 305, thus meeting the claim language.

This meaning that the browser automation program can analyze data being sent to the browser whether it be from one given vendor or another and then can associate the given form correctly based on this analysis (see at least, col. 2, line 61-col. 3, line 6).

Further the examiner notes this idea can be implemented for a variety of techniques such as shipping addresses for checking out therefore can be used on sales processing systems (see at least, col. 4, lines 34-45). Therefore under the broadest reasonable interpretation and in this day of computer networks and under the guidelines of KSR, the mere processing of data in from on vendor or another can be performed with a predictable result. Therefore, the examiner notes this argument is not persuasive.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 10, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,138,106) in view of Pennell et al. (US 6,910,179).

Regarding claims 1 and 10, Walker et al. discloses an on-line selling system comprising:

A sale processing system storing a first selling program, said first selling program defining a first process of selecting and buying, for enabling a user's terminal to engage with said sale processing system for selecting and buying (column 2, lines 47-51 and column 8, lines 39-43 and column 9, lines 39-43, 60-64).

Said sale processing system including a Web site via which the user's terminal is capable of engaging the first selling program and placing a first order (column 6, lines 27-30).

The sale processing system being capable of accepting the first order performing a sale price settlement associated with the first order, and processing delivery of the first order (column 9, lines 60-65 and column 10, lines 63-65).

A goods supply system that supplies an item of goods to the sale processing system

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(column 9, lines 5-8).

The goods supply system includes a program-providing device, the program-providing device providing a second selling program to the sale processing system, the second selling program defining a second process of selecting and buying the item of goods from the goods supply system (column 9, lines 64-67 and column 10, lines 1-10).

The second selling program causes the user's terminal that has accessed the Web site to display on a monitor thereof the second process of selecting and buying the item of goods supply system (column 4, lines 1-5 and column 10, lines 39-41).

The second selling program causes the user's terminal to transmit a second order for the item of goods bought through the second process displayed on the user's terminal to the sale processing system (column 10, lines 6-10).

The second selling program being written in a www script language and being provided from the Web site to the user's terminal to thereby be executed on the user's terminal in association with a Web browsing program (column 4, lines 1-5).

What Walker et al. does not disclose is that the second buying process is different from the first buying process.

However, Pennell et al. teaches (column 2, line 61 to column 3, line 37) a second buying process which is different from the first process in that the system can be "smarter" in how forms are filled out for orders in order to save the customer time.

Special note to column 3, line 34 where code is received from the visited web site.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the on-line selling system disclosed by Walker et al. to have a second buying process different from the first process in order to save the customer time.

Regarding claims 3 and 12, Walker et al. discloses an on-line selling system wherein the second selling program is configured to execute a prescribed piece of lot-drawing processing to thereby determine an item of goods to be sold to the user (column 7, lines 21-23 and column 9, lines 5-8).

Regarding claims 4 and 13, Walker et al. discloses an on-line selling system wherein the Web site is capable of causing the user's terminal that has made access thereto to display on the monitor thereof a Web page containing therein a prescribed image associated with execution of the second selling program and the second selling program is executed in response to a user's selecting operation performed with respect to the prescribed image (column 10, lines 6-10, 22-25, 39-41).

Regarding claims 6 and 15, Walker et al. discloses an on-line selling system wherein the program-providing device is capable of transmitting the second selling program to a client included in the sale processing system (column 10, lines 39-44).

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Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. ('106) and Pennell et al. ('179), as applied above) in further view of Satchell et al. (US 5,822,216).

The combination system of Walker et al. and Pennell et al. does not disclose a vending machine interface.

However, Satchell et al. teaches that it is known to combine the features of a vending machine with an internet connection to provide an on-line selling system that "provides entertainment" (column 2, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination on-line selling system disclosed by Walker et al. and Pennell et al. to combine a vending machine interface with an internet connection, as taught by Satchell et al., to provide an on-line selling system that "provides entertainment" to an on-line buyer (column 2, lines 8-10).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571)272-1466. The examiner can normally be reached on 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan M. Zeender can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Asfand M. Sheikh/  
Examiner, Art Unit 3627  
January 4, 2009

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627